

REMARKS

Claims 1, 4-9, 11, 14-16, 19, and 21 are present in this application. Claims 1 and 11 are independent claims.

§ 102(b) Rejection – Shintai

Claims 1, 6-9, 11, 16, 19, and 21 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Application Publication 2003/0022674 (Shintai). Claims 1 and 11 have been amended. Applicant respectfully traverses this rejection based on the claims as amended.

The present invention relates to digital broadcasting that combines services such as video, sound and data, referred to as Integrated Services Digital Broadcasting, and in particular terrestrial digital broadcasting (ISDB-T). Although ISDB-T applies to services such as television or radio broadcasting, ISDB-T applies as well to communications in smaller environments such as apartment buildings or households. The claimed invention pertains to problems that can occur in smaller environments such as apartment buildings and households. Because ISDB-T performs communications by broadcasting, the wireless terminal of the claimed invention performs transmission of a connection request command by broadcasting (Fig. 9, step S512). Subsequently, all base devices within a communications range of the wireless terminal receive the communications request command. In addition, the wireless terminal of the claimed invention obtains only identification data received first among identification data transmitted by base devices (step S513).

In an example embodiment of the present invention, a wireless connection is established by switching both the wireless terminal and base device to a connection processing mode (step S501, S511), for example, by a user pushing a switch in each device. However, it is possible that another base device (e.g., in the same apartment building, or in another room in a household) has also been switched to a connection processing mode (step S521). Subsequently, because the wireless terminal communicates by broadcasting, both base devices will transit to the connection mode and receive the connection request command from the wireless terminal. Since the wireless

terminal obtains only identification data received first and stores the first received identification data in a memory 65 (S513), the wireless terminal does not obtain identification data from one of the two base devices, which could be the device that the user intended to establish communication with. A base device with which identification data has not actually been obtained by the wireless terminal will still receive a connection processing completion command (step S503), and operate under the assumption that wireless connection has been successfully established. (see description of Fig. 9 at pages 33 to 39).

In order to alleviate this problem, after the wireless connection is established, the wireless terminal causes a display section to perform on screen display of the identification data of the wireless center with which the wireless connection is established (S516). (specification at page 39, paragraph beginning “in this embodiment...”).

In an alternative embodiment (Fig. 10), the user can check whether the wireless terminal is wirelessly connected to the desired base device by pressing a connection confirmation button which causes the wireless terminal and base device to transit into connection confirmation mode (steps S605, S616). If a predetermined time has passed without obtaining a connection confirmation command, the wireless terminal warns the user if the connection confirmation command has not been obtained.

The prior art reference to Shintai discloses an example of a cellular communications system in which the user would be made aware that communication has been established, but the user would not be made aware of the specific base station that communication has been established with. In other words, in the case of Shintai, a user would not be made aware as to whether communication has been established with a desired base station.

CLAIM 1

The Examiner alleges that a paging process, in paragraph 10 of Shintai, constitutes the claimed broadcasting a connection request, and that a primary connection will occur between a cellular phone and “only one” base station among base stations from which base station

identification numbers have been received, again in paragraph 10 of Shintai. The Examiner alleges that sending base station identification data to a location information server, in paragraph 10 of Shintai, constitutes the claimed connection completion notifying means, and that a data communication mode set up with a designated base station, in paragraphs 10 and 23 of Shintai, constitute the claimed connection counterpart notifying means.

To the contrary, the claimed invention includes a connection establishing means in which only a “first” incoming one set of identification data is received from among two or more base devices in a communications range of the wireless terminal.

As disclosed in paragraphs 10 and 23, Shintai concerns initiation of location positioning. The invention in Shintai uses the assistance of a location information server to reduce the operation required by a cellular unit in accessing GPS satellites (see para. 0004). An improvement provided in Shintai is to designate a base station based on reception signal power level, and send the id of the designated base station to the location information server (para. 0023). Shintai discloses receiving base station identification numbers from several base stations.

Thus, Applicant submits that Shintai clearly discloses receiving base station identification numbers from several base stations. Also, Shintai requires an indication of signal power level from base stations and determines location based on signal power level. Applicant submits that Shintai does not disclose, and would fail to determine location based on signal power in a condition where only the first incoming set of identification data, from among several base stations, is received.

For at least these reasons, Applicant submits that Shintai fails to disclose at least the claimed “connection establishing means for, when there are two or more base devices in a communications range of the wireless terminal, receiving only a first incoming one set of identification data from among sets of identification data, being transmitted from said two or more base devices in response to the connection request command, each set of identification data indicating one base device, so as to establish a connection with a base device that is indicated by the thus received, first incoming set of identification data.”

Furthermore, communication in the claimed invention is by broadcasting. In particular, claim 1 recites “connection completion notifying means for, after the receiving of the first incoming set of identification data, broadcasting a connection process completion command that indicates that the connection with the connected base device is established.”

Applicant submits that sending an id of the designated base station to the location server does not constitute broadcasting a connection process completion command. For at least this reason, Applicant submits that Shintai fails to disclose at least the claimed “connection completion notifying means.”

Still further, in the “connection counterpart notifying means,” claim 1 recites notifying “a user of the base device to which the wireless terminal is currently connected.” Applicant submits that nowhere does Shintai disclose notifying the user of the specific base station that the cellular phone unit is connected. For at least this reason, Applicant submits that Shintai fails to disclose the claimed “connection counterpart notifying means.”

CLAIM 11

For reasons above for claim 1, Applicant submits that Shintai fails to disclose at least the claimed “connection establishing means,” and “connection completion notifying means,” of claim 11.

In addition, claim 11 recites, among other things, “warning means for warning the user if the connection confirmation means does not obtain the connection confirmation command within a predetermined time after the transition to the connection confirmation mode.”

The Examiner alleges that when no connection is established, that it is known that all mobile phones are equipped with a means to visually display, for example bar indicators, and thus a user would be informed or warned about an inability of the cellular phone to establish the connection with the base station.

Applicant submits that although it may be known to display bar indicators as an indication of strength of signal, no evidence is provided that it would be known to warn the user if a connection confirmation command has not been obtained in response to an input of an instruction from a user to switch to connection confirmation mode, as recited in claim 11.

For at least these reasons, Applicant submits that Shintai fails to disclose at least one claimed element. Applicant requests that the rejection be reconsidered and withdrawn.

§ 103(a) Rejection – Shintai, Pihl

Claims 4, 5, 14, and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shintai in view of U.S. Application Publication 2003/0186707 (Pihl). Applicant respectfully traverses this rejection.

Applicant submits that at least for the reasons above for claims 1 and 11, dependent claims 4, 5, 14, and 15 are patentable as well. In addition, Applicant submits that Pihl fails to make up for the deficiencies of Shintai.

Thus, Applicant submits that the rejection fails to establish *prima facie* obviousness and must be withdrawn.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: October 6, 2009

Respectfully submitted,

By *Robert Doans* # 48222
Michael R. Cammarata *Robert Doans*
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant